

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

CHRISTOPHER WAGNER,

Plaintiff,

No. C 13-04952 WHA

v.

DIGITAL PUBLISHING  
CORPORATION, *et al.*


**NOTICE RE ACCELERIZE NEW  
MEDIA, INC.**

Defendants.

Immediately after our case management conference on January 21, the undersigned judge became concerned that defendant Accelerize New Media, Inc., which is a California citizen for diversity purposes, destroys complete diversity in this action. If both parties wish to remain in federal court, it would seem that Accelerize ought to be dismissed from the action (without prejudice) to preserve diversity jurisdiction. If Accelerize is not dismissed, this action will have to be remanded for lack for federal subject-matter jurisdiction.

The Court apologizes for not addressing this issue during the hearing. Both parties shall submit a response to this problem, by **JANUARY 29, 2014, AT NOON**. The judge caught plaintiff's counsel, Daniel Balsam, in the hallway, had a brief conversation about this problem, and asked him to repeat the conversation to defense counsel.

Dated: January 21, 2014.

  
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WILLIAM ALSUP  
UNITED STATES DISTRICT JUDGE